

Chairman Chalfant asked who inspects the business in regards to the premises, and the inside with the animals.

Mr. Greene stated the franchisee would, as well as them, being the owners of the property.

Chairman Chalfant expressed his concerns about the safety of people and their dogs around the entrance of the building, due to the trucks that come and go from the area.

Mr. Greene said he doesn't see it as being an issue. He stated it was a matter of the customers parking their cars, and walking the 10' feet from the parking lot to get into the building.

Chairman Chalfant referred to Exhibit 11-25L which states the dog waste would be bagged and thrown into a dumpster which would be picked up weekly by a waste management company. He stated he was concerned, especially during the summer with the heat, about the smell of dog waste. Mr. Chalfant then referred to Exhibit 11-25I which states the hours of operation are Monday through Friday 7am-7pm, Saturday 10am-5pm, and Sunday 11am-2pm. He then points out that it speaks about the dogs staying overnight at the facility which would mean it would go past the times stated.

Mr. Greene said at the customer's request, they do allow the dogs to stay at the facility overnight.

Board Member Boyd asked if they would clean the area outside that's to be fenced in as well as the area inside the building.

Mr. Greene said yes.

Board Member Acton asked if it were possible for the fenced in area to be moved toward the center of the building, so they do not have a line of sight issue coming out onto New Rd.

Mr. Greene stated they currently have a setback of 15' and have agreed with the Town to pay for the necessary signage up if it becomes an issue.

Code Officer Swift mentioned that, during the Planning Commission, it was determined that the Elsmere Police Dept. would decide whether it would be necessary for the signage and they could proceed forward from that point.

Board Member Acton asked if there were any setback issues regarding the fence.

Mr. Swift stated there were not, but since the area is considered the front of the building, they would need a variance for the height of the fence.

The Town Solicitor, Mr. Edward McNally, stated that he does not see the petition involving a non-conforming use issue. He went on to say that he recognizes the statute says that when an applicant wants a variance for a non-conforming use permit, the Town Solicitor must deem whether or not the use is being changed significantly, but he feels that the petition they're dealing with is more of a straight forward variance seeing as the use is not anywhere close to what the building was being previously used for. Mr. McNally then stated that, if the Board is uncomfortable granting the variance for the Dog Day Care, then they may want the Town to include that type of business in the Zoning Code somewhere.

1st District Councilman, John Jaremchuk, stated he has received no adverse comments concerning the petition.

Town Manager, John Giles, stated that the building has been vacant for quite some time and that, at this time, the Town should support the business community. He went on to say that no neighbors, nor the Planning Commission, were opposed to the business. He then stated if the business were to be in the Town, the GI Zone is where you should want it, and urged the Board to grant the variance.

ACTION: A motion was made by Board Member Smith to approve Petition 11-25. The motion was seconded by Board Member Personti.

VOTE: All in favor Motion Carried

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS: None

PUBLIC COMMENT: None

ADJOURNMENT:

ACTION: A motion was made by Board Member Smith to adjourn. The motion was seconded by Board Member Boyd.

VOTE: All in favor Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the January 24, 2012 Board of Adjustment Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

PAUL CHALFANT, CHAIRMAN

JAMES PERSONTI, SECRETARY